

Notice of Allowability

Application No.

09/915,986

Examiner

Harish T. Dass

Applicant(s)

DAS ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/11/2006.
2. ☒ The allowed claim(s) is/are 1-8, 11-28, 31-41 and 44-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Claims 9-10, 29-30, 42-43 canceled.

Allowable Subject Matter

2. Claims 1-8, 11-28, 31-41 and 44-49 are allowed.

The following is an Examiner's Statement of Reason for Allowance:

The closest prior art, US 2002/0016759 (Macready et al.) discloses all of the limitations of independent claims 1, 21 and 41 except:

automatically negotiating, by a negotiating engine in the computer system, with the customer terms of sale of the product or service based on the initial offer of sale, the acceptable terms of sale based on the history information, the one or more rules, and the one or more attributes of the product or service; and

the negotiating engine automatically negotiates by determining and providing a counteroffer to each modification of the terms of sale made by the customer until the customer and the negotiating engine agree to mutually acceptable terms of sale.

Prior art taken alone or in combination failed to teach or suggest the limitations of:

automatically negotiating, by a negotiating engine in the computer system, with the customer terms of sale of the product or service based on the initial offer of sale, the acceptable terms of sale based on the history information, the one or more rules, and

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the one or more attributes of the product or service; and

the negotiating engine automatically negotiates by determining and providing a counteroffer to each modification of the terms of sale made by the customer until the customer and the negotiating engine agree to mutually acceptable terms of sale, as recited in independent claims 1, 21 and 41.

Dependent claims 2-8, 11-20, 22-28, 31-40, 44-49 are allowed for the same reasons respective independent claims 1, 21 and 41.

Other prior arts that have been considered are:

US 6,338,050 (Conklin et al.) discloses a multivariate negotiations engine for international transaction processing, and a systems for negotiating transactions and more particularly to systems for conducting negotiations and transactions internationally, over the Internet or other international network, and a multivariate negotiations system including storage space, and negotiations software, such negotiations software including an automated negotiations engine for analyzing terms, the analysis of terms comprising understanding the purpose of the terms, formatting the terms according to the purpose, selecting certain of the terms to be processed according to internationally accepted methods, and placing them into user supplied context for use by a user, the multivariate negotiations system being connected to the international network and responsive to terminals communicating along a communications path over the international network.

US 6,047,274 (Johnson et al.) discloses an auction service is provided that stimulates competition between energy suppliers (i.e., electric power or natural gas). A bidding moderator (Moderator) receives bids from the competing suppliers of the rate each is willing to charge to particular end users for estimated quantities of electric power or gas supply (separate auctions)

US 2002/0120555 (Lerner) discloses a method providing a real-time electronic marketplace for physical soft commodities, such as coffee, sugar, cotton, cocoa, rice, etc. Unlike other online trading commodity sites which emulate current offline business practices, the present invention capitalizes on web-enabled technology to provide end-to-end market players with tools to increase profitability and operating efficiencies, and if the initial trader had selected manual, the system would match the bid and offer since the proposal falls within the visible and/or hidden terms the original trader selected. Also, with "Autotrade" selected, the submitting of the counterproposal by the second trader will be recognized by the matching engine of the present system as a matching order and automatically execute the trade according to the terms of the counterproposal. If the first trader had selected manual trading, then the matching engine would have caused a query message to be sent to the first trader asking for approval before reverting to terms specified in the Autotrade wizard to automatically counter-propose negotiate and potentially trade with the counter-proposing trader.

US 2003/0014325 (Biffar et al.) discloses a method and apparatus herein discloses a system that automatically negotiates pricing, terms, and conditions in connection with the purchase of goods and services. The invention is described herein,

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solely for purposes of example, in connection with a cargo shipment between a shipper, and a freight forwarder and/or a reseller of freight forwarder services. A shipper first views a list of available shipping routes then selects those on which he wishes to bid. The shipper can then bid on such variables as airline, departure date, arrival date, route, service level, and origin and destination of the shipment. The system then alters the shipping variables to meet the shipper's bid closer. The amount the system is willing alter the original variables to meet the shipper's bid depends on a shipper rating system. The shipper rating is function of such factors as reliability, payment history, and negotiation strategy, and a pricing system is used which calculates a scoring discount based on forwarder attributes.

NPL –

Kenneth E Kendall "The expert's opinion" Information Resources Management Journal. Hershey: Jul-Sep 2001.Vol.14, Iss. 3; pg. 47, 4 pgs; discloses First commercially deployed in MerchantsBay.TV, The MerchantsBay Negotiation Engines is unique because it transacts volume-dependent interactive, real time price negotiations. It can handle price negotiations for any consumable, commodity or service, in any industry or market, that has multiple price points based on volume. It is scalable and internationally portable. Simple to use, The MerchantsBay Negotiation Engine can also significantly increase yield management and offers customized negotiation parameters.

Each of the prior art taken alone or in combination failed to teach or suggest the above

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features recited in independent claims 1, 21, and 41.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

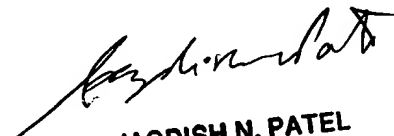
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass
Examiner
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10/26/06


JAGDISH N. PATEL
PRIMARY EXAMINER